

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL THOMASTON,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 12-161
	)	Judge Arthur J. Schwab
PHYSICIAN ASSISTANT	)	Magistrate Judge Maureen P. Kelly
CHRISTOPHER MEYER;	)	
SUPERINTENDENT BRIAN V.	)	
COLEMAN; UNIT MANAGER	)	
REBECCA PETRUS; UNIT MANAGER	)	
SCOOT HOWELL,	)	ECF Nos. 20, 31
Defendants.	)	

**ORDER**

AND NOW, this 12th day of December, 2012, after the Plaintiff, Michael Thomaston, filed an action in the above-captioned case, and after a Motion to Dismiss was filed by the DOC Defendants, [ECF No. 20], and a Motion to Dismiss was filed by Defendant Meyer [ECF No. 31], and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until December 14, 2012, to file written objections thereto, and upon consideration of the objections filed by the Plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by the DOC Defendants, [ECF No. 20], and the Motion to Dismiss filed by Defendant Meyer, [ECF No. 31], are GRANTED. THE CLERK OF COURT SHALL MARK THIS CASE CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700

Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court,

/s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

Michael Thomaston  
DE-7486  
SCI Fayette  
P.O. Box 9999  
Labelle, PA 15450-0999

All Counsel of Record by electronic filing